IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLIATION NO.683/06

Prakash Chandrakant Helkar .... Applicant

V/s.

The State of Maharashtra & Anr. .... Respondents

Shri.Sachin Chavan i/b. Shriram S. Kulkarni for the applicant.
Ms.S.V. Gajare, APP for the State/respondent No.1.
Shri.R.M. Pethe for respondent No.2/Bank.

CORAM : V.M. KANADE, J.
DATED : 03/10/06

P.C.:-

1. Heard the learned counsel for the applicant, the learned APP for the State and the learned counsel for the respondent No.2/Bank.

2. This is an application for an anticipatory bail. The applicant has an apprehension that he is likely to be arrested in connection with C.R.No.327/2005 registered with Khadak Police Station, Pune for the offences punishable U/s.468, 471, 420 r/w 34 of IPC, at the instance of Mr.Vilas Neelkanth Kaduskar, Chief Manager of Bank of Baroda.

3. Sessions Court rejected the application of applicant and thereafter, present application has been filed in this court. On the last date, during the course of argument, learned counsel for the applicant submitted that applicant had paid Rs.1,65,000/- out of the loan taken from the respondent No.2/Bank by the end of January, 2005 and that he will be ready to pay the overdue instalment pending in his account within six months. Accordingly, he had also given five cheques of the balance amount which had been restructured by the bank by preparing a schedule. This order was passed on 2nd March, 2006. Bank also accepted said offer which was given by the applicant.

4. However, in my view, it was essential to ensure the compliance of the proposal which was given by the applicant and therefore, I thought it fit to keep the matter pending so that it can be seen whether the amount is actually realized by the bank or not.

5. Today, the learned counsel on behalf of respondent No.2/Bank has submitted that all the

cheques which were given by the applicant to the bank have been dishonoured. Considering the facts and circumstances, in my view, this is not a fit case for grant of anticipatory bail, particularly when the assurance given by the applicant to this court that he will pay the balance amount to the bank and the cheques he issued, have bounced. Criminal application for anticipatory bail is, therefore, rejected. Interim order, if any, to stand vacated forthwith.

6. The application is accordingly disposed of.

V.M. KANADE J.